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Remarks

Claims 1-10 and 14-18 are pending in the application.

Claims 1-4, 7-9, and 16-18 continue unamended in the application.

Claims 5-6, 10, and 14-15 are herein amended.

New claims 19-20 are herein added as new claims depending, either directly or indirectly, from claim 1.

No new matter has been entered.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

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## REJECTIONS

### 35 U.S.C. §102

#### Claims 1-4 and 6-9

The Examiner has rejected claims 1-4 and 6-9 as being anticipated by U.S. Patent No. 5,754,545 issued to Shinbashi et al. (hereinafter, "Shinbashi") on May 19, 1998. Applicants respectfully traverse the rejection.

In the Office Action, the Examiner interprets the receiving end of Shinbashi's first transmission line as corresponding to a type two node and, as such, asserts that the first transmission line is a high capacity trunk for coupling to a type two node. Similarly, the Examiner interprets the receiving end of Shinbashi's second transmission line as corresponding to a type one node and, as such, asserts that the second transmission line is a high capacity trunk for coupling to a type one node. Furthermore, the Examiner alleges that Shinbashi teaches that different portions of the signals received at the node depicted in Shinbashi's FIG. 1 are sent to different transmission lines. The Applicants respectfully disagree.

Namely, Shinbashi does not teach or suggest applicants' claim 1 limitation of "wherein only a portion of those low capacity client signals destined for the type one node are groomed into the high capacity trunk to the type two node." Rather, Shinbashi teaches that a portion  $n$  of the  $N$  signals received from the first transmission line are sent to a second transmission line via a partial drop unit and the portion of the signals not selected by the partial drop unit, i.e.,  $N-n$  signals, are sent to a first transmission line via a partial add unit). In other words, Shinbashi merely teaches that signals destined for the receiving end of the second transmission line are selected for transmission on the second transmission line. Similarly, Shinbashi teaches that signals destined for the receiving end of the first transmission line are selected for transmission on the first transmission line.

Shinbashi is completely devoid of any teaching or suggestion that the  $N-n$  signals selected for transmission over the first transmission line are destined for the terminating end of the second transmission line. Similarly, Shinbashi is completely devoid of any teaching or suggestion that the  $n$  signals selected by the partial drop unit for transmission over the second transmission line are destined for the terminating end of the first

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transmission line. Thus, there is no teaching or suggestion in Shinbashi that signals destined for the receiving end of the second transmission line are groomed for transmission on the first transmission line, or that signals destined for the receiving end of the first transmission line are groomed for transmission on the second transmission line.

Furthermore, applicants' claim 1 includes the limitation "low capacity client signals destined for the type one node are groomed into the high capacity trunk." As such, applicants' invention of claim 1 distinguishes between communication speeds of the client signals and the trunk into which the client signals are groomed. Shinbashi, however, fails to teach or suggest different communications speeds of the N-n signals selected for transmission over the first transmission line or the n signals selected by the partial drop unit for transmission over the second transmission line. Thus, Shinbashi fails to teach or suggest the low capacity client signals and high capacity trunk as claimed in applicants' claim 1.

Thus, since Shinbashi has no teaching or suggestion of applicants' limitation "wherein only a portion of those low capacity client signals destined for the type one node are groomed into the high capacity trunk to the type two node," it fails to teach each and every element of the claimed invention. Therefore, claim 1 is allowable over Shinbashi under 35 U.S.C. §102. Similar to claim 1, independent claim 6 includes the limitation "such that only a portion of the client signals destined for the first node are groomed into the high capacity trunk to the second node." Thus, claim 6 is likewise allowable over Shinbashi under of 35 U.S.C. §102.

Since each of claims 2-4 and 7-9 depend from one of independent claims 1 and 6, these dependent claims are also allowable over Shinbashi under 35 U.S.C. §102.

### **35 U.S.C. §103**

#### **Claims 5 and 10**

The Examiner has rejected claims 5 and 10 under 35 U.S.C. §103(a) as being obvious in view of Shinbashi. Applicants respectfully traverse the rejection.

Claims 5 and 10 depend from independent claims 1 and 6, respectively. As discussed above with respect to claims 1 and 6, Shinbashi does not teach or suggest at

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least the limitation "wherein only a portion of those low capacity client signals destined for the type one node are groomed into the high capacity trunk to the type two node." As such, Shinbashi fails to teach or suggest all of the elements of claims 5 and 10. Therefore, claims 5 and 10 are not obvious in view of Shinbashi and are patentable under 35 U.S.C. §103.

#### Claims 14-18

The Examiner has rejected claims 14-18 under 35 U.S.C. §103(a) as being obvious in view of Shinbashi. Applicants respectfully traverse the rejection.

As discussed above with respect to claims 1 and 6, Shinbashi does not teach or suggest at least the limitation "wherein only a portion of those low capacity client signals destined for the type one node are groomed into the high capacity trunk to the type two node." Independent claim 14, as amended, includes the similar limitation "wherein said others of the low capacity signals transmitted over the other high capacity trunk comprise low capacity client signals destined for the first type of node." Thus, Shinbashi fails to teach or suggest all of the elements of independent claim 14 as amended.

As such, claim 14 is not obvious in view of Shinbashi and is patentable under 35 U.S.C. §103. Since each of claims 15-18 depend from independent claim 14, these dependent claims are also not obvious in view of Shinbashi and are patentable under 35 U.S.C. §103.

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### CONCLUSION

It is respectfully submitted that all the rejections have been overcome and that this application is in condition for allowance. Reconsideration of this application and its allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/23/05

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